APPENDIX A

IN THE SUPREME COURT OF THE STATE OF NEW MEXICO

No. 8897

In the Matter of

ANTHONY F. AVALLONE, Attorney at Law

Motion for Rehearing

Respondent AVALLONE hereby moves for rehearing and specifies in support of said motion that the Opinion of this Court filed herein on April 19, 1971, is erroneous in that:

(1) The Opinion so interprets the applicable Canon 30 that lawyers are to decline to handle litigation intended by their clients to harass or injure the defendants even though the litigation may be meritorious and other motives may be present.

(2) The Opinion misstates Borst's testimony.

(3) The Opinion ignores the requirement contained in the Canon that the lawyer be convinced his client intends merely to harass or to injure the opposite party.

(4) The Opinion is unclear as to the assessment of costs against the Respondent.

/s/ PAUL A. PHILLIPS
Paul A. Phillips
Attorney for Respondent
520 Simms Building
Albuquerque, New Mexico

This will certify that a true copy of the foregoing pleading was mailed to opposing counsel of record this .... day of May, 1971.

/s/ PAUL A. PHILLIPS